

Service Area Plan

Human Rights Council

Compliance and Enforcement (70414)

Service Area Background Information

Service Area Description

Implement and enforce the Virginia Human Rights Act, Chapter 39 that safeguards individuals in the Commonwealth from discrimination based on race, color, religion, sex, pregnancy, childbirth, and related medical conditions, age, national origin and disability.

CHR receives and investigates complaints, seeks resolution through conciliation, refers non-jurisdictional concerns to other agencies, holds hearings pursuant to the Virginia Administrative Process Act, and makes findings and recommendations based upon complaints alleging discrimination.

Compliance and enforcement are divided into three activities, intake, investigation, and mediation.

During the intake process, complaints are analyzed, and based on the analysis are either accepted for investigation or denied.

During the investigative process, witnesses are interviewed and affidavits are prepared. The respondent's position statement is analyzed; the complainant's rebuttal letter is prepared; and a thorough review is conducted to provide a "Reasonable Cause" or "No Reasonable Cause" determination. If a Reasonable Cause is issued on a case, conciliation is offered. If the conciliation fails, the case is sent to a Public Hearing.

Mediation allows the complainants and respondents to quickly resolve and settle the matter without going through a lengthy investigation.

The FEPA contract with the EEOC was formalized in 1994 through a work share agreement. As a result, the Council was designated as a Fair Employment Practices Agency (FEPA). This designation allows the Council to act as an agent of the EEOC and receive, dual fee, and investigate cases that fall within federal statutes.

The contract is executed through investigations, substantial weight reviews, outreach activities, contract modifications, annual training sessions, and with the aid of a federal data tracking system.

The investigation process is outlined above. The substantial weight review occurs when EEOC conducts a review of cases investigated to determine whether or not the investigation meets the contract requirements or a thorough case analysis provided by the agency and comparative data obtained from each case. The Computer Data System is maintained by the Council for the purpose of updating contract cases on EEOC's system and submitting monthly and quarterly reports. Outreach activities are conducted for the purpose of informing citizens about the partnership between CHR and EEOC. Each FEPA, in partnership with its EEOC District office is required to conduct at least two outreach initiatives during the contract year. Contract modification is the process by which CHR and EEOC determine whether an upward or downward modification to the contract is warranted. FEPAs are required to participate in annual training sessions where legal updates are taught and contract changes are discussed.

Service Area Alignment to Mission

The service supports the agency's mission by receiving and investigating discrimination complaints and by providing conflict resolutions to the complaints filed on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, or disability in places of public accommodation, including educational institutions.

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Service Area Statutory Authority

I. Employment

The Virginia Human Rights Act, Chapter 39 empowers the Council to investigate complaints alleging discrimination employment by employers employing more than five employees.

Title VII of the Civil Rights Act of 1964 as amended states that the employer must have at least 15 employees and protects employees from disparate treatment on the basis of race, color, sex, national origin, and religion.

The Americans with Disabilities Act of 1990 (ADA) prohibits employers and other entities covered by the ADA from discriminating against a qualified person with a disability with regard to application, hiring, advancement, discharge, compensation, training, and benefits, and from the same retaliation as under Title VII.

II. Public accommodation

Title II of the Civil Rights Act of 1964 prohibits discrimination in public places such as restaurants, theaters, motels, and stadiums.

III. Education

Title IV of the Civil Rights Act of 1964, as amended.

Service Area Customer Base

Customer(s)	Served	Potential
Citizens of the Commonwealth of Virginia	300	500
Federal and State Agencies	300	500
Federal, State, and Locally Elected Officials	25	140
Local Human Rights Commissions	6	6
Public Interest Groups and the General Public	500	1,000

Service Area Partners

Equal Employment Opportunity Commission (EEOC)

The EEOC is the federal agency that is charged with investigating complaints against employers employing more than 15 employees. The EEOC entered into a workshare agreement with the Council in March of 1994. Training, quarterly meetings, legal updates, legal assistance, are some of the benefits gained from the partnership.

Service Area Partners

The Virginia Association of Human Rights Agencies (VAHRC)

VAHRC is an Association of the various human rights commissions, councils, and agencies within Virginia and the employees of state and local Virginia agencies involved in the administration and enforcement of human rights laws. The Commissions within the Association provide invaluable support to CHR by investigating cases that fall within their jurisdiction that are referred to them.

The Council's staff members participate in outreach and training that is provided through the Association.

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Service Area Products and Services

- **Customer Assistance**

The Council assists people who live and work in Virginia and any individual who is involved in causes of action originating in Virginia. The Council serves citizens by answering telephone inquiries, accepting and processing complaints, referring citizens to appropriate services, investigating complaints and mediating and conciliating cases.

Technical Assistance

The Council provides technical assistance by helping to create and organize local human rights commissions. The Council serves as a liaison to local human rights commissions during the General Assembly session and tracks relevant legislation that has the potential to impact equal employment opportunities in Virginia.

Outreach

The agency serves public interest groups and the general public by making presentations and participating in local community discussions regarding discrimination.

Service Area Human Resources Summary

Service Area Human Resources Overview

As of July 1, 2005, the Virginia Council on Human Rights has an authorized FTE level of 4. The office is located in Richmond. CHR uses role codes with three employees falling within the Human Resource Manager I category. Staff members work primarily within the office, but occasionally, if the need arises, will work from home. CHR continues to face human resource issues. There is a strong need for two additional investigators. The current investigator has an open inventory of approximately 80 cases and a pending acceptance case load of 25-30. The half investigator has five open cases and an intake backlog.

Service Area Full-Time Equivalent (FTE) Position Summary

Effective Date:	7/1/2005
Total Authorized Position level	4
Vacant Positions	0
Non-Classified (Filled).....	0
Full-Time Classified (Filled)	4
Part-Time Classified (Filled)	0
Faculty (Filled)	0
Wage	1
Contract Employees	0
Total Human Resource Level	5

Factors Impacting Service Area Human Resources

The Council's FTE has been reduced to one investigator through budget cuts. Virginia is a Fair Employment Practices Agency (FEPA) that has a contract with EEOC stipulating that it must close 30 federal cases within the federal fiscal year. CHR's contract with the federal government has been downwardly modified for the last two years. CHR ranks in the bottom tier of state FEEPAs and has one of the smallest number of contracted cases in the nation.

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CHR's one investigator's caseload has tremendously increased from a manageable caseload of about 60 cases to 100 cases. The Council would benefit from having two more staff investigators. Additional investigators result in more cases being investigated in an efficient manner resulting in additional federal funding for the agency. The Council will strive to continue producing the best product for the citizens of the Commonwealth with limited resources.

Anticipated Changes in Service Area Human Resources

CHR does not anticipate in HR changes.

Service Area Financial Summary

CHR's funding comes from general funds (92%) and federal funds (8%).

	<u>Fiscal Year 2007</u>		<u>Fiscal Year 2008</u>	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
Base Budget	\$0	\$0	\$0	\$0
Changes To Base	\$0	\$0	\$0	\$0
SERVICE AREA TOTAL	\$0	\$0	\$0	\$0

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Service Area Objectives, Measures, and Strategies

Objective 70414.01

Process cases within 45 days of the date the complaint is received in the office.

When a complaint is received, a determination is made within 45 days to either administratively close the case, refer the case to another agency, or accept the case for investigation. All complaints received in the Council's office are date stamped.

This Objective Supports the Following Agency Goals:

- Proficient Resolution

This Objective Has The Following Measure(s):

- **Measure 70414.01.03**

The number of training and outreach activities that are provided to the Citizens of the Commonwealth.

Measure Type: Outcome **Measure Frequency:** Annually

Measure Baseline: The number of outreach activities conducted annually.

Measure Target: Compare the number of outreach activities for the previous year.

Measure Source and Calculation:

The outreach activity and participants attending the outreach activity.

Objective 70414.01 Has the Following Strategies:

- 1. Use a flagging system to indicate the number of days a complaint has been in the Council's office. Use the FIFO method of processing cases.
- 2. Determine the number of cases contracted and divide that number by 12 to give investigator an accurate account of how many cases are to be processed in a month. Provide necessary resources to assist with meeting goal.
- 3. Continue to work with CHR's partners to promote outreach training to the citizens of the Commonwealth.
- 4. Continue to utilize student's for the purpose of inputting data into the new IMS system.

Objective 70414.02

Investigate and close 100 percent of the contracted cases that are dual field with the Equal Employment Opportunity Commission (EEOC).

Annually, the Council will enter into a negotiation with EEOC to determine the number of federal cases it will close during the federal fiscal year. Based on this number, the Council will utilize best practice initiatives to ensure that the terms and conditions of the contract are met.

This Objective Supports the Following Agency Goals:

- Proficient Resolution

This Objective Has The Following Measure(s):

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- **Measure 70414.02.02**

The percentage of cases dual filed with EEOC that are investigate and closed

Measure Type: Outcome **Measure Frequency:** Annually

Measure Baseline: The number of cases contracted with EEOC annually.

Measure Target: Divide the number of dual file cases that are investigated and closed monthly by the number of contracted cases.

Measure Source and Calculation:

The client files and the Charge Data Process system for the federal government. However a new Intergrated Mission System is being implemented.

Objective 70414.03

Conduct statewide EEO training and outreach opportunities for citizens of the Commonwealth.

The Council co-hosted with EEOC and the Virginia Association of Human Rights Agencies annual training conferences. The Council will continue with this outreach initiative and also include round table discussions on the status of human rights in the Commonwealth.

This Objective Supports the Following Agency Goals:

- Proactive Prevention

This Objective Has The Following Measure(s):

- **Measure 70414.03.03**

The number of training and outreach activities that are provided to the Citizens of the Commonwealth.

Measure Type: Outcome **Measure Frequency:** Annually

Measure Baseline: The number of outreach activities conducted annually.

Measure Target: Compare the number of outreach activities for the previous year's training and activities.

Measure Source and Calculation:

The outreach activity and participants attending the outreach activity.

Objective 70414.04

Provide a monthly data report on cases received and a monthly report on federal cases closed.

The federal government is in the process of implementing a new internet database system for cases. FEPA agencies will also be able to add information into this database on cases that are not jurisdictional with the EEOC. It will allow the Council to maintain and report data on cases received in the agency.

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This Objective Supports the Following Agency Goals:

- Proficient Resolution

This Objective Has The Following Measure(s):

- **Measure 70414.04.04**

The number of complaints filed and the locations where the complaints were generated.

Measure Type: Input

Measure Frequency: Monthly

Measure Baseline: A review of the types of cases filed with the Council

Measure Target: CHR will compare the number of non jurisdictional complaints with the number of federal complaints filed.

Measure Source and Calculation:

The data source is the complaints received and the database